

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

U.S. Seal International, Inc.

v.

Civil No. 12-cv-00353-JL

Black Dawg Franchise Group, et al.

ORDER AFTER PRELIMINARY
PRETRIAL CONFERENCE

The Preliminary Pretrial Conference was held in chambers on **February 15, 2013.**

The Discovery Plan (document no. 36) is approved as submitted, with the following changes:

- Expert challenges - **60 days prior to final pretrial conference**
- Summary judgment deadline - **120 days prior to final pretrial conference**
- Jury trial - **April, 2014**

Show cause. On or before **March 15, 2013**, the plaintiff will make a filing showing cause why defendants Calvano's, Shattuck, Kace Pavement Pros and Christman should not be dismissed from this action, based on the Complaint's failure to state any plausible claims against them. The defendants will have **20 days** to make responsive filings. (15 page limitation on all filings.)

Summary Judgment. The parties and counsel are advised that compliance with Rule 56(e) and Local Rule 7.2(b), regarding evidentiary support for factual assertions, and specification and

delineation of material issues of disputed fact, will be required.

Oral argument on dispositive motions. Counsel and the parties should anticipate that oral argument will be held on all dispositive motions. Any party preferring that such a motion be decided on the written filings alone should so notify the clerk.

Discovery disputes. Discovery disputes will be handled by the undersigned judge, as opposed to the Magistrate Judge, in the normal course. No motion to compel is necessary. The party or counsel seeking discovery-related relief should confer with adverse counsel to choose mutually available dates, and then contact the Deputy Clerk to schedule a conference call with the court. The court will inform counsel and parties what written materials, if any, should be submitted in advance of the conference call.

Customary motions to compel discovery, while disfavored by the undersigned judge, are nonetheless permissible. If counsel prefer traditional discovery litigation to the conference call procedure set forth above, any such motion to compel should expressly request, in the title of the motion, a referral to the United States Magistrate Judge. Such referral requests will normally be granted. If the Magistrate Judge is recused, alternate arrangements will be made.

SO ORDERED.

A handwritten signature in black ink, reading "Joe Laplante", written over a horizontal line.

Joseph N. Laplante
United States District Judge

Dated: February 15, 2013

cc: Matthew D. Francis, Esq.
John J. Kennedy, Esq.
Jennifer L. Parent, Esq.
Darrin R. Brown, Esq.
David K. Pinsonneault, Esq.